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9
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11 GROUP PRO INC. and OLE GEORG

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

1 1. **INTRODUCTION**

2 The motion to dismiss defendant Televisa, S.A. de C.V. (“Televisa”) for
3 deficient service of process has no legitimate purpose, as plaintiffs OGM, Inc.,
4 Group Pro Inc. and Ole Georg (“Plaintiffs”) have already validly served process on
5 Televisa three times over in three different manners: by registered mail, in person
6 and through the Hague Convention. This superfluous 22-page motion instead
7 appears calculated to simply stall for time, wasting the resources of Plaintiffs’
8 counsel and of this Court, and generating legal fees for Televisa’s attorneys.

9

10 2. **FACTUAL BACKGROUND**

11 Plaintiffs filed this action against Televisa and the other defendants last Fall.
12 Complaint for Damages and Injunctive Relief for Copyright Infringement and
13 Breach of Contract, Sep. 3, 2008. On November 20, 2008, copies of the summons
14 and complaint were sent by Plaintiffs’ counsel to Televisa’s office in Mexico City
15 via international registered mail, return receipt requested. Declaration of Gerald B.
16 Weiner, Feb. 23, 2009, ¶ 2. The return receipt was received by the office of
17 counsel for Plaintiffs in January 2009, signed and stamped as received by Televisa
18 on December 15, 2008. *Id.* ¶¶ 3–4, Exh. A.

19 Plaintiffs’ counsel also arranged for personal service of copies of the
20 summons and complaint on Televisa by a Mexican notary public, who hand-
21 delivered the documents to its office in Mexico City on the afternoon of January 30,
22 2009. Proof of Service of Summons and Complaint upon Televisa, S.A. de C.V.,
23 Feb. 23, 2009.

24 Finally, out of an overabundance of caution, attorneys for Plaintiffs
25 additionally submitted translated copies of the summons and complaint, together
26 with an official Request for Service Abroad of Judicial or Extrajudicial Documents,
27 to the central authority of the Mexican courts for service pursuant to Hague
28 Convention in March 2009. Declaration of Henry L. Self III ¶ 4, Exhs. A–B.

1 **III. ARGUMENT**

2 “There are three methods by which service of process may be accomplished
 3 in Mexico.” U.S. Department of State, International Judicial Assistance Mexico,
 4 http://travel.state.gov/law/info/judicial/judicial_677.html.¹ They include: service
 5 by international registered mail with return receipt requested; personal service by
 6 agents, generally a Mexican attorney; and service by international convention or
 7 treaty. *Id.* As discussed immediately above, Plaintiffs have validly served process
 8 on Televisa² under not one, not two, but all three of these methods. *Manez v.*
 9 *Bridgestone Firestone North American Tire, LLC*, 533 F.3d 578, 593 (7th Cir.
 10 2008) (“Fed. R. Civ. P. 4(f) offers a number of options for service on an individual
 11 in a foreign country”).

12 **A. Plaintiffs Validly Served Televisa By Registered Mail**

13 A defendant located in a foreign country may be served using any form of
 14 international mail that requires a signed receipt unless prohibited by the law of the
 15 foreign country. Fed. R. Civ. P. 4(f)(2)(C)(ii); *Prewitt Enterprises, Inc. v.*
 16 *Organization of Petroleum Exporting Countries*, 353 F.3d 916, 923 (11th Cir.
 17 2003).

18 “There is no provision in Mexico law specifically prohibiting service by
 19 international registered mail, if enforcement of a judgment in Mexico courts is not
 20 anticipated.” U.S. Department of State, International Judicial Assistance Mexico,
 21 http://travel.state.gov/law/info/judicial/judicial_677.html; *accord, In re Alyssa F.*,
 22

23 ¹ “Although the State Department web site is not authority and lacks the
 24 force of law, it reflects the State Department’s advice to practitioners about
 25 service of process in Mexico.” *In re Alyssa F.*, 112 Cal.App.4th 846, 855,
 n.10, 6 Cal.Rptr.3d 1 (2003).

26 ² While Televisa purports to be “specially appearing” in this case, special
 27 appearances to challenge jurisdiction are not recognized in the federal courts.
Republic Intern. Corp. v. Amco Engineers, Inc., 516 F.2d 161, 165 (9th Cir.
 1975). “Federal Rule of Civil Procedure 12 abolished the distinction between
 28 general and special appearances.” *SEC v. Wencke*, 783 F.2d 829, 832 n.3 (9th
 Cir. 1986).

1 112 Cal.App.4th 846, 854, 6 Cal.Rptr.3d 1 (2003) (“Mexico apparently does not
 2 prohibit service on a person by registered mail”); *NSM Music, Inc v. Villa Alvarez*,
 3 No. 02 CV 6482, 2003 WL 685338, at *2 & n.1 (N.D. Ill. Feb. 25, 2003)
 4 (“Mexico does not appear to have a prohibition on service by registered mail”);
 5 Kenneth B. Reisenfeld, *The Usual Suspects: Six Common Defense Strategies in*
 6 *Cross-Border Litigation* in INTERNATIONAL LITIGATION STRATEGIES AND
 7 PRACTICES, 75, 77 & 87 nn. 6 & 7 (2005) (“Mexico . . . does not prohibit service
 8 of process by registered international mail”).

9 Plaintiffs therefore served process on Televisa last year by registered mail,
 10 return receipt requested, shortly after filing this lawsuit. Declaration of Gerald B.
 11 Weiner, Feb. 23, 2009, ¶ 2. The return receipt was stamped as received by
 12 Televisa and signed by Armando Verdusco indicating the summons and complaint
 13 were arrived on December 15, 2008. *Id.* ¶ 3. This has been consistently
 14 recognized by federal courts as sufficient to effectuate valid service of process on
 15 a Mexican defendant such as Televisa. *See, e.g., International Transactions, Ltd.*
 16 *v. Embotelladora Agral Regionmontana SA de CV*, 277 F. Supp. 2d 654, 662–63
 17 (N.D. Tex. 2002); *Hein v. Cuprum, SA de CV.*, 136 F. Supp. 2d 63, 70–71
 18 (N.D.N.Y. 2001).

19 Televisa responds that Plaintiffs nonetheless failed to serve process by
 20 registered mail because “Plaintiff’s counsel has not declared who Mr. Verdusco is
 21 or why he is allegedly authorized to accept service on behalf of Televisa.” Motion
 22 to Dismiss at 3:19–20. To the contrary, Mr. Weiner’s sworn and signed declaration
 23 constitutes *prima facie* evidence of valid service of process. *O’Brien v. R.J.*
 24 *O’Brien & Associates, Inc.*, 998 F.2d 1394, 1398 (7th Cir. 1993). Such
 25 presumption of validity “can be overcome only by strong and convincing evidence.”
 26 *Id.* (quoting *Hicklin v. Edwards*, 226 F.2d 410, 414 (8th Cir.1955)).

27 The burden here shifted to Televisa to provide the Court with strong and
 28 convincing evidence that Mr. Verdusco, who apparently received Plaintiffs’ package

1 at its Mexico City office and signed and sent back the Return Receipt for
 2 International Mail, was *not* in fact authorized to do so.³ Declaration of Gerald B.
 3 Weiner, Feb. 23, 2009, Exh. A. Such information resides exclusively within the
 4 knowledge of Televisa—not Plaintiffs—but Televisa tellingly does not deny that Mr.
 5 Verduesco was authorized to sign and return the acknowledgment.

6 Televisa further advances the novel position that the Hague Convention, as
 7 agreed to by Mexico, does not allow for service of process by mail. But even if that
 8 were so (which Plaintiffs strongly contest) this point is moot because, as discussed
 9 *supra* and *infra*, and as evidenced in the declarations of Arturo Sobrino Franco and
 10 Henry Self, Plaintiffs also validly served process on Televisa by personal service
 11 and additionally submitted translated copies of their summons and complaint to the
 12 central authority of the Mexican courts for service pursuant to Hague Convention.

13 Furthermore, Televisa’s proposition goes against the great majority of
 14 numerous published and unpublished federal and state court decision on point, which
 15 have virtually unanimously concluded that service on a Mexican defendant by
 16 international registered mail with return receipt requested is legally valid. *See, e.g.,*
 17 *In re GGSI Liquidation, Inc.*, 351 B.R. 529, 601 (N.D. Ill. 2006); *International*
 18 *Transactions, Ltd.*, 277 F. Supp. 2d at 662–63; *Hein*, 136 F. Supp. 2d at 70–71.
 19 The only support Televisa cites for its unprecedented suggestion is a single,
 20 unpublished paper by a faculty member of a provisionally accredited law school in
 21 Montgomery, Alabama. Declaration of Dylan Ruga, Mar. 16, 2009, Exh. F.

22 **B. Plaintiffs Validly Served Televisa in Person**

23 Alternatively, a defendant located in a foreign country may be served by
 24 personally delivering a copy of the summons and of the complaint to the defendant.
 25 Fed. R. Civ. P. 4(f)(2)(C)(I); *Prewitt Enterprises, Inc.*, 353 F.3d at 923.

26
 27 _____
 28 ³ Televisa’s contention that Plaintiffs still bear the burden of proof under
 these circumstances is not supported by the sole authority it cites on this point,
Brockmeyer v. May, 383 F.3d 798, 801 (9th Cir. 2004).

1 Plaintiffs' Mexican process server, Arturo Sobrino Franco, hand delivered
 2 copies of the summons and complaint to the Mexico City office of Televisa on
 3 January 30, 2009. Proof of Service of Summons and Complaint upon Televisa,
 4 S.A. de C.V., Feb. 23, 2009. The Mexican government does "not expressly
 5 prohibit the private service of process through a privately-retained agent/attorney."
 6 *Casa de Cambio Delgado, Inc. v. Casa de Cambio Puebla, S.A. de C.V.*, 763
 7 N.Y.S.2d 434, 437 (2003). Plaintiffs thus validly effectuated service of process on
 8 Televisa by personal service. *Laino v. Cuprum S.A. de C.V.*, 235 A.D.2d 25,
 9 27-28, 663 N.Y.S.2d 275 (1997); *Vazquez v. Sund Emba AB*, 152 A.D.2d 389, 548
 10 N.Y.S.2d 728 (1989).

11 Televisa responds that the proof of service prepared and signed by Arturo
 12 Sobrino Franco is "deficient on its face" because he fails to describe the area of
 13 Televisa's office that he visited "or why anyone in that department allegedly is
 14 authorized to accept service on behalf of Televisa." Motion to Dismiss at 4:3-5.
 15 To the contrary, Mr. Sobrino's proof includes three full pages of extensive narrative
 16 details regarding the afternoon in question—exponentially more information than is
 17 typically provided to a district court in a standard proof of service. *Compare*, Proof
 18 of Service - Summons and Complaint, Form CV-1, *available at* <http://www.cacd.uscourts.gov/CACD/Forms.nsf/Forms>.

20 Again, a written and signed proof of service such as Plaintiffs' constitutes
 21 *prima facie* evidence of valid service of process, creating a presumption of validity
 22 that "can be overcome only by strong and convincing evidence." *O'Brien*, 998
 23 F.2d at 1398 (quoting *Hicklin*, 226 F.2d at 414). Televisa has come forward with
 24 no admissible factual proof disputing the validity of personal service here. Bare
 25 insinuations by counsel in a party's pleadings alone plainly do not suffice. *In re*
 26 *Med-Atlantic Petroleum Corp.*, 233 B.R. 644, 661-62 (S.D.N.Y. 1999).

27 The burden shifted to Televisa to provide the Court with strong and
 28 convincing evidence that the facts set forth in Plaintiffs' proof of service are not true

1 and that Mr. Sobrino did not in fact hand deliver the summons and complaint to
 2 Televisa at its Mexico City office. Tellingly, Televisa did not attempt to do so.⁴

3 Televisa further advances the novel position that the Hague Convention, as
 4 agreed to by Mexico, does not allow for personal service of process on a defendant.
 5 But this point is moot because, as discussed *supra* and *infra*, and as evidenced in the
 6 declarations of Gerald Weiner and Henry Self, Plaintiffs also validly served process
 7 on Televisa by registered mail and additionally submitted translated copies of their
 8 summons and complaint to the central authority of the Mexican courts for service
 9 pursuant to Hague Convention.

10 **C. Plaintiffs Validly Served Televisa Through the Hague Convention**

11 In March 2009, counsel for Plaintiffs completed and signed a Request for
 12 Service Abroad of Judicial or Extrajudicial Documents, which was enclosed in an
 13 envelope together with copies of the summons and complaint in this case as well as
 14 certified translations of those documents. Declaration of Henry L. Self III ¶ 4,
 15 Exhs. A. The package was mailed to Mexico's designated central authority under
 16 the Hague Convention via registered mail, return receipt requested. *Id.*, Exh. B.
 17 There is literally nothing more that Plaintiffs could possibly do now to serve process
 18 on Televisa. They have exhausted virtually every avenue available under the
 19 circumstances.

20

21 **IV. CONCLUSION**

22 For the foregoing reasons, plaintiffs OGM, Inc., Group Pro Inc. and Ole
 23 Georg respectfully request that the Court deny Televisa's motion to dismiss in its
 24 entirety. Alternatively, should the Court determine that Plaintiffs have not yet

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26 ⁴ The only evidence submitted by Televisa in support of its motion is a
 27 declaration by Dylan Ruga, one of its American attorneys who works for an
 28 outside law firm here in Los Angeles, not Mexico City. Declaration of Henry L.
 Self III ¶ 2. This attorney lacks foundation or personal knowledge sufficient to
 testify to most factual matters regarding Televisa, its offices or its employees,
 which would instead need to be provided by the defendant itself.

1 validly served process on Televisa, then Plaintiffs would request that the Court
2 quash service but afford Plaintiffs additional time in which to complete service on
3 this defendant. *Umbenhauer v. Woog*, 969 F.2d 25, 31 (3d Cir. 1992).

4

5 DATE: April 6, 2009

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
HENRY L. SELF III

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9 By: _____ /s/
10 HENRY L. SELF III
11 Attorneys for Plaintiffs
12 OGM, INC., GROUP PRO INC.
13 and OLE GEORG

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DECLARATION OF GERALD B. WEINER

I, Gerald B. Weiner, being duly sworn, hereby declare:

1. I am an attorney at law, licenced to practice in the State of California and am the attorney for Plaintiffs herein.

2. On November 20, 2008 a copy of the summons and complaint in Case No. CV 08-05742 JFW (Jcx), OGM Inc, el al vs. Televisa, S.A. de C.V., el al was mailed by my office to Televisa, S.A. de C.V. /Miguel Gutierrez Cervantez, Av. Vasco de Quiroga No. 2000, Edifici "A" - 4° Piso. Col. Santa Fe, Delegacion Alvarado Obregón, 01210 Mexico, D.F via registered mail, return receipt requested. I am informed and believe and therefore declare that this is the address of Televisa, S.A. de C.V.'s office in Mexico and that Miguel Gutierrez Cervantes is its representative.

12 3. The return receipt was received by my office in January, 2009 stamped as received by
13 Televisa and signed by Armando Verduesco indicating the summons and complaint was
14 received by Televisa on December 15, 2008.

15 4. A true and correct copy of the Customer Copy confirming the mailing and the Return
16 Receipt of International Mail are attached hereto as Exhibit A.

18 I hereby declare that the above is true and correct and that if called as a witness herein I could
19 competently testify thereto.

Executed at Culver City, CA this 23 day of February, 2009.

GERALD WEINER

EXHIBIT A

GATEWAY STATION POST OFFICE
CULVER CITY, California
902329998
0544850431 -0096

11/20/2008 (310)204-0843 10:27:07 AM

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
Mexico - First-Class Mail Int'l Large Env			\$6.33
11.40 oz.			
Return Receipt			\$2.20
Registered			\$10.80
Insured Value :			\$0.00
Article Value :			\$0.00
Label #:			RA323715074US
<hr/>			
Issue PVI:			\$19.33
<hr/>			
Total:			\$19.33

Paid by:	
Cash	\$20.00
Change Due:	-\$0.67

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill #: 1000402679640
Clerk: 14

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

PICK UP A FREE
RECYCLING ENVELOPE

Take an envelope to recycle your inkjet
cartridge, cell phone or small electronics
free of charge!

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

Reg. Fee	\$10.80		
Handling Charge	\$0.00	Return Receipt	\$2.20
Postage	\$6.33	Restricted Delivery	\$0.00
Received by	<i>Ben</i>		

Customer Must Declare
Full Value \$ **\$0.00**

Domestic Insurance up to \$25,000 is included
based upon the declared value. International
Indemnity is limited. (See Reverse).

OFFICIAL USE

TO	FROM
To Be Completed By Customer (Please Print)	
All Entries Must Be in Ballpoint or Typed	

TO	FROM
P. B. WEINER 9696 CULVER BLVD, #205 CULVER CITY, CA 90232	
TELEVISA S.A. DE C.V. / MIGUEL GUTIERREZ Av. VASCO DE QUINTANA No. 2000 EDIFICIO "A"-4 ^o PISO, COL. SANTA FE DELEGACION ARMANDO ORREGON, D.F. 01210	

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2007 (7530-02-000-9051)
(See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com ®



Administration
des Postes des
Etats-Unis
d'Amérique

Return Receipt for International Mail
(Registered, Insured, Recorded Delivery, Express Mail)

Postmark of
the office
returning the
receipt
Timbre du
bureau
renvoyant
l'avis

Par Avion

Return by the
quickest route
(air or surface
mail), a découvert
and postage free.....

The sender completes and indicates the address for the return of this receipt.
(A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.)

Name or Firm (Nom ou raison sociale)

SALS - 660731

100001215C

A renvoyer par
la voie la plus
rapide (aérienne
ou de surface),
à découvert et
en franchise de
port.

Street and Number (Rue et no.)

DEVOLUCION DE ENTREGADO

9696 CULVER BLVD

CP 90232 MEXICO 100001215C

City, State, and ZIP + 4 (Localité et code postal)

CULVER CITY, CA 90232

UNITED STATES OF AMERICA

Etats-Unis d'Amérique

PS Form 2865, February 1997

Avis de réception

CN07 (Old C5)

Item Description (Nature de l'envoi)	Registered Article (Envoi recommandé)	Letter (Lettre)	Printed Matter (Imprimé)	Other (Autre)	Recorded Delivery (Envoi à livraison attestée)	Express Mail International
Insured Parcel □ (Colis avec valeur déclarée)						
Office of Mailing (Bureau de dépôt)	Insured Value (Valeur déclarée)	Article Number	RA328715074US			
TELEUSA S.A. DE C.V.			Date of Posting (Date de dépôt)			
1-20-08						
Addressee Name or Firm (Nom ou raison sociale du destinataire)						
MIGUEL GUTIERREZ CERVANTE 85 D.F. 20008						
Street and No. (Rue et No.)						
EDIFICIO "A" - 4º PISO, COL. SANTA FE, DELEGACION ALVARO OBREGON						
Place and Country (Localité et pays)						
1210 MEXICO, D.F.						
This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail.						
Ce avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à expéditeur.						
The article mentioned above was duly delivered. (Envoi mentionné ci-dessus a été dûment livré.)			Date			
Signature of Addressee (Signature du destinataire)		Office of Destination Employee Signature (Signature de l'agent du bureau de destination)				

PS Form 2865, February 1997 (Reverse)

DECLARATION OF HENRY L. SELF III

I, Henry L. Self III, declare as follows:

4 1. I am an attorney at law duly licensed to practice before this Court and
5 am an associate with the law firm Lavelly & Singer Professional Corporation,
6 attorneys for plaintiffs OGM, Inc., Group Pro Inc. and Ole Georg (“Plaintiffs”)
7 herein. I have personal and firsthand knowledge of the matters set forth in this
8 declaration and, if called and sworn as a witness, I could and would testify
9 competently thereto under oath.

10 2. On May 3, 2009, at the request of Dylan Ruga, an attorney for
11 defendant Televisa, S.A. de C.V. (“Televisa”), I met with him at his firm’s office
12 to discuss the instant motion to dismiss. Mr. Ruga is an associate with American
13 law firm Steptoe & Johnson LLP, which is also counsel of record in this case for
14 defendants Univision Communications, Inc., Univision Television Group, Inc. and
15 Galavision, Inc. He works at its Century City office located at 2121 Avenue of the
16 Stars, Suite 2800, Los Angeles, California 90067.

17 3. Contrary to Mr. Ruga’s claim on page 6 of his Memorandum of Points
18 and Authorities, I did not “agree[]” during that conference (or at any other time)
19 that “the purported service of process on Televisa must be quashed” and do not
20 appreciate counsel’s disingenuous attempts to put such words in my mouth. Quite
21 the opposite is true, in fact: I instead told Mr. Ruga during our meeting in no
22 uncertain terms that Plaintiffs had already validly served process on Televisa by
23 registered mail and personal service.

24 4. In March 2009, I completed and signed a Request for Service Abroad
25 of Judicial or Extrajudicial Documents, United States Marshals Service Form USM-
26 94, a true and correct copy of which is attached hereto as Exhibit A. My office
27 enclosed the request in an envelope together with copies of the summons and
28 complaint in this case as well as certified translations of those documents. The

1 package was mailed by my office to Direccion General De Asuntos Juridicos,
2 Direccion Juridico Contenciosa, Departamento De Exhortos Y Relaciones Con
3 Embajadas, Secretaria De Relaciones Exteriores, Flores Magon No. 1, Col.
4 Tlalteleolco, Mexico, D.F., Mexico via registered mail, return receipt requested.
5 This is the address of Mexico's designated central authority under the Hague
6 Convention. True and correct copies of the Customer Copy confirming the mailing
7 and the Receipt for International Mail are attached hereto as Exhibit B.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed this 6th day of April, 2009, at Los Angeles, California.

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HENRY L. SELF III /s/

EXHIBIT A



REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE

AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ETRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou
extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.

Identity and address of the applicant <i>Identité et adresse du requérant</i>	Address of receiving authority <i>Adresse de l'autorité destinataire</i>
Henry L. Self III Lavely & Singer Professional Corporation 2049 Century Park East, Suite 2400 Los Angeles, California 90067 United States of America	Direccion General De Asuntos Juridicos Direccion Juridico Contenciosa Departamento De Exhortos Y Relaciones Con Emabajadas Secretaria De Relaciones Exteriores Flores Magon No. 1, Col. Tlaltelolco Mexico D F Mexico

The undersigned applicant has the honour to transmit -- in duplicate-- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address)

Le requérant soussignée a l'honneur de faire parvenir--en double exemplaire--à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir:

(identité et adresse)

Summons (Citatorio)

Complaint for Damages and Injunctive Relief (Demanda Por Daños Y Medidas Cautelares)

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
a) *selon les formes légales (article 5 alinéa premier, lettre a).*

(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
b) *selon la forme particulière suivante (article 5, alinéa premier, lettre b) :*

(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*:
c) *le cas échéant, par remise simple (article 5, alinéa 2).*

The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.

List of documents
Enumération des pièces

Done at Los Angeles, California, the _____, the _____
Fait à _____, le _____

Summons (Citatorio)

Signature and/or stamp
Signature et/ou cachet

Complaint for Damages and Injunctive Relief

(Demanda Por Daños Y Medidas Cautelares)



*Delete if inappropriate
Rayer les mentions inutiles.

CERTIFICATE
ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served *

1) *que la demande a été exécutée*

-- the (date) -- *le (date)* _____

-- at (place, street, number) - à (*localité, rue, numéro*) _____

-- in one of the following methods authorized by article 5:

-- *dans une des formes suivantes prévues à l'article 5:*

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.
a) selon les formes légales (article 5. alinéa premier, lettre a)

(b) in accordance with the following particular method:
b) selon la forme particulière suivante: _____

(c) by delivery to the addressee, who accepted it voluntarily.*
c) par remise simple.

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

- (*identity and description of person*)
- (*Identité et qualité de la personne*)

- relationship to the addressee family, business or other
- liens de parenté de subordination ou autres avec le destinataire de l'acte:

2) that the document has not been served, by reason of the following facts*:

2) *que la demande n'a pas été exécutée, en raison des faits suivants:*

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

ANNEXES
Annexes

Documents returned:
Pieces renvoyées

In appropriate cases, documents establishing the service:
Le cas échéant, les documents justificatifs de l'exécution:

Done at _____, the _____, the _____,
Fait à _____, le _____,

Signature and/or stamp
Signature et/ou cachet

SUMMARY OF THE DOCUMENT TO BE SERVED
ÉLÉMÉNTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa quatre)

Name and address of the requesting authority:
Nom et adresse de l'autorité requérante:

Particulars of the parties:
Identité des parties:

JUDICIAL DOCUMENT
ACTE JUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte:

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:
Nature et objet de l'instance, le cas échéant, le montant du litige:

Date and place for entering appearance:
Date et lieu de la comparution:

Court which has given judgment:**
Juridiction qui a rendu la décision:

Date of judgment:**
Date de la décision:

Time limits stated in the document:**
Indication des délais figurant dans l'acte:

EXTRAJUDICIAL DOCUMENT
ACTE EXTRAJUDICIAIRE

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Nature et objet de l'acte:

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